

ECF CASE  
JUDGE PATTERSON

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

**J & J SPORTS PRODUCTIONS, INC.,** as  
Broadcast Licensee of the **May 5, 2007**  
**DeLaHoya/Mayweather** Program,  
Plaintiff,

## ATTORNEY'S AFFIDAVIT OF COSTS AND FEES

Civil Action No. 07-cv-08852  
HON. ROBERT P. PATTERSON

-against-

FIORDALIZA ALVAREZ, Individually, and as officer, director, shareholder and/or principal of C & F ENTERPRISES INC. d/b/a LA PALMA BAR & GRILL a/k/a ESCOBAR a/k/a ESCO BAR,

and

C & F ENTERPRISES INC. d/b/a LA PALMA  
BAR & GRILL a/k/a ESCOBAR a/k/a ESCO BAR,

Defendants.

STATE OF NEW YORK :  
: SS.:  
COUNTY OF ULSTER :

JULIE COHEN LONSTEIN, being duly sworn, deposes and says:

1. That I am the attorney for Plaintiff, J & J Sports Productions, Inc., in the above referenced matter and I am admitted to practice in this Court. I am fully familiar with all the facts, circumstances and proceedings heretofore had herein.

2. I make this affidavit in support of Plaintiff's motion for default judgment and damages, costs and fees.

3. Plaintiff's litigation expenses as associated with the formation, pleading and filing of the above captioned matter are as outlined below:

- a. Filing Fees - \$350.00
- b. Service of Process - \$200.00  
Attached hereto as Exhibit "A," please find invoice from Signal Auditing, Inc., reflecting the cost of service upon the Defendants.
- c. Attorneys Fees - \$800.00  
See below

Total Litigation Expenses .....(\$1350.00)

4. Attorney fees at \$200.00 per hour for attorney time spent and \$75.00 for paralegal time spent are as follows:

<u>Date</u>	<u>Action</u>		<u>(in hours)</u>	<u>Fee</u>	
07/18/2007	Factual research and development	.50	\$100.00	Atty	
07/18/2007	Claim Letter issued	.25	\$18.75	Para	
08/22/2007	Final Notice	.25	\$18.75	Para	
09/26/2007	TC to Defendant	.12	\$25.00	Atty	
10/10/2007	Complaint drafted, Corporate disclosure	.50	\$300.00	Atty	
10/10/2007	Complaint sent to Court for Filing	.25	\$18.75	Para	
11/01/2007	Arranged Service	.25	\$18.75	Para	
11/02/2007	Review Order	.13	\$25.00	Atty	
12/10/2007	Mtn for Continuance	.25	\$50.00	Atty	
12/10/2007	Filed and mailed Motion	.25	\$18.75	Para	
12/17/2007	Review Service	.12	\$25.00	Atty	
12/18/2007	Filed and mailed Proofs of Service	.25	\$18.75	Para	
01/14/2008	Drafting Request for Default	.50	\$100.00	Atty	
01/14/2008	Filed and mailed Request For Default	.50	\$37.50	Para	
01/17/2008	Review Clerk's Certificate	.13	\$25.00	Atty	

02/06/2008	Drafted Motion for Default	1.0	\$200.00	Atty
			<b>Hours</b>	<b>Fee</b>
			<b>3.25 Atty</b>	<b>\$650.00</b>
			<b>2.00 Para</b>	<b>\$150.00</b>
			<b>Total</b>	<b>\$800.00</b>

5. As part of its factual research, Plaintiff's Counsel conducted a search of the New York State Division of Alcoholic Beverage Control, State Liquor Authority. The results show that Fioraliza Alvarez is Principal of C & F Enterprises, Inc., trade name La Palma Bar & Grill. The Public Query results page is attached hereto as Exhibit "B".

We respectfully request that judgment be entered in favor of Plaintiff and against the Defendants in the manner stated herein.

**WHEREFORE**, your deponent respectfully requests that this Court in its discretion grant judgment by default under 605(a) on COUNT I of the Plaintiff's complaint against the Defendants jointly and severally as follows:

**Against, FIORDALIZA ALVAREZ, Individually, and as officer, director, shareholder and/or principal of C & F ENTERPRISES INC. d/b/a LA PALMA BAR & GRILL a/k/a ESCOBAR a/k/a ESCO BAR,**

- 1) under 605(e)(3)(C)(i)(II) a sum *in the discretion of the Court*, of up to TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 605(e)(3)(C)(ii) a sum *in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)
- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of SIX HUNDRED SEVENTY FIVE DOLLARS (\$675.00)

**Against, C & F ENTERPRISES INC. d/b/a LA PALMA BAR & GRILL a/k/a ESCOBAR a/k/a ESCO BAR,**

- 1) under 605(e)(3)(C)(i)(II) a sum *in the discretion of the Court*, of up to TEN THOUSAND DOLLARS (\$10,000.00)

- 2) and under 605(e)(3)(C)(ii) a sum *in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)
- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of SIX HUNDRED SEVENTY FIVE DOLLARS (\$675.00)

Dated: February 6, 2008  
Ellenville, NY 12428

/s/ Julie Cohen Lonstein  
Julie Cohen Lonstein, Esq.  
Bar Roll No. JL8512  
Lonstein Law Office, P.C.  
Attorneys for Plaintiff  
1 Terrace Hill; PO Box 351  
Ellenville, NY 12428  
Telephone: 845-647-8500  
Facsimile: 845-647-6277

Sworn to before me this 6<sup>th</sup>  
day of February 2008

/s/ April Draganchuk  
***April Draganchuk***  
***Notary Public State of New York***  
***Registration No. 4945872***  
***Residing in Ulster County***  
***My Commission Expires Jan. 27, 2011***

Exhibit A

Description	Amount
INDIVIDUAL SERVICE J&J v. FIORDALIZA ALVAREZ YOUR FILE #07-4-S14 CV #07-8852	100.00
<b>Total</b>	<b>\$100.00</b>

Description	Amount
CORPORATE SERVICE ON SECRETARY OF STATE J&J v. C&F ENTERPRISES, INC YOUR FILE #07-4-S14 CV#07-8852	100.00
Total	\$100.00

Exhibit B





Eliot Spitzer  
Governor

**Division of Alcoholic Beverage Control  
State Liquor Authority**

Noreen Healey  
Commissioner

Joshua B. Toas  
CEO

Daniel B. Boyle  
Chairman

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## Public Query - Results

### License Information

**Serial Number:** 1163195

**License Type:** TAVERN WINE

**License Status:** License is Active

**Credit Group:** 4

**Filing Date:** 03/31/2005

**Effective Date:** 04/01/2007

**Expiration Date:** 03/31/2008

### Premises Information

**Principal's Name:** ALVAREZ,FIORDALIZA

**Premises Name:** C & F ENTERPRISES, INC

**Trade Name:** LA PALMA BAR & GRILL

**Zone:** 1

**Address:** 132 AUDUBON AVENUE  
181ST & 172ND STREETS  
NEW YORK, NY 10032

**County:** NEW YORK

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You can select one of the following links to perform another search:

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